

CITY OF TAKOMA PARK, MARYLAND

**PRESENTATION, SPECIAL SESSION & WORKSESSION
OF THE CITY COUNCIL
(ADOPTED 10/25/04)**

Tuesday, September 7, 2004

OFFICIALS PRESENT:

Mayor Porter	City Manager Matthews
Councilmember Austin-Lane	City Clerk / Treasurer Waters
Councilmember Barry	ECD Director Daines
Councilmember Elrich	Landlord/Tenant Coordinator Walker
Councilmember Mizeur	Public Works Director Lott
Councilmember Seamens	Arborist Linkletter
Councilmember Williams	Community & Government Liaison Ludlow
	Assistant City Attorney Sigman

Closed Session ~~6/26/04~~ 7/26/04 - Moved by Seamens; seconded by Austin-Lane. The Council voted unanimously to convene in Closed Session at 6:40 p.m. in the Municipal Building Conference Room. OFFICIALS PRESENT: Porter, Austin-Lane, Seamens, Williams. STAFF PRESENT: Silber, Matthews, Carpenter. The Council discussed the Arredondo lawsuit and an amendment to former City Manager Rick Finn's severance agreement. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(ii) and 10-508(a)(7).)

The Council convened at 7:33 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

Mayor Porter welcomed the Council back from recess.

PRESENTATION

1. Update from County Councilmember Tom Perez.

Councilmember Perez said he has talked to Mr. Barry about trash cans in parks; still an issue that occupies a lot of time and energy on the part of the County Council. The Council did pass a resolution putting some trash cans back in some select parks. We will be revisiting the pilot program in the Spring. Councilmember Perez said it is his intent to take the position that garbage in, garbage out is a mistake. He thinks his position will be a minority on the Council.

With respect to the hospital issues, we continue to work with the Longbranch community to

identify a site for the office building. A site was identified near Flower and Arlis near the Giant. The people from the hospital are working with adjacent property owners to make it a larger site to address the development and needed parking. He said he continues to be optimistic that there will be a site in the Longbranch area for the medical office building. We are doing our best. The resolution in Longbranch will require County dollars, which is very justifiable.

The County Council appropriated money for completion of the stretch of the Metropolitan Branch Trail adjacent to Jequie Park. The money has been designated; however, the Council is nowhere near to resolution of the County budget crisis. If there is a call for savings proposals this would be a targeted line item. He will urge progress with the project to preclude a possible cut.

Councilmember Perez said he will be working toward affordable housing initiatives. He commented on the current program. There is a bill on the table to eliminate the buy-out period. Councilmember Perez said there are a host of other issues that he invites Takoma Park to comment on. There is no magic bullet solution. We have even looked at County-owned land that may be ripe for affordable housing development. It is an issue of real concern, as is the issue of health care. He said he wishes that the Congress and President had more of a focus in this area. We have been doing a lot at the County level to address these issues. He commented on a proposal to allow employees the option of purchasing coverage through a Canadian agency and invited the City to take a look into this initiative and see whether it may be interested. There might be a piggyback option with a savings. The goal is to have it in place by early next year.

Councilmember Perez welcomed the new City Manager.

Mr. Williams commented that Council will be discussing its legislative agenda. He asked for an update on the Purple Line and where the State is going on this issue. Another issue that might come to the County Council in next few weeks is a bill presented by Nancy Floreen.

Councilmember Perez said that with respect to the Purple Line, we had been to the point of a draft DIS that would have put people in transit by FY08. The Governor has said that as long as he is in office, the line will not go through the Columbia Country Club. Mr. Perez said he has a meeting on Friday, September 13 on the topic. There are studies underway, but this will be an uphill battle. There is no one who is giving any serious consideration to an alignment that would go through the city. He commented on his anticipation of the route when there is a Governor interested in proceeding with the project. Mr. Perez said he hopes there will be a stop somewhere near Takoma/Flower/Piney Branch. With respect to Mr. Williams' second point, Mr. Perez said he was pleased with the decision of the Historic Preservation Commission. That process has proved that you do not really need to change the law to come out with the desired result. He said he hopes that we can address lingering concerns without introducing a bill.

Mr. Elrich asked what is happening with the proposal from Linowes and Blocker?

Mr. Perez said the proposal has not been presented to the Council. There have been a lot of

discussions about how to deal with hospital expansions. When talking about hospitals, it is a little different than when talking about a gas station expansion. In the context of the hospital, there is the immediate neighborhood and the community of users, which is geographically more expansive. Those conversations have been more informal. Mr. Perez said he does not think that anyone is prepared to introduce something formally. There are some very serious issues worth considering (e.g., if it is going to expand today, we want to know the long term visions). It is going to be an interesting conversation. The issues are rather complex. Mr. Perez said he hopes that nothing gets introduced anytime soon. We are moving forward with discussions about resolutions for the hospital expansion at this point.

Ms. Porter said she has heard of fears that the County Council will cut the immediate neighborhood out of the discussion.

Councilmember Perez said he would not support anything of that kind. The immediate community is front and center. He said he would not support anything that would cut stakeholders out of input in a process.

Mr. Elrich noted that hospital expansion of services is regulated by the State. The State analyzes the availability of hospital resources in the area. We should not do anything to bypass the state process. Linowes and Blocker is not pushing this based on services; they are angry about community opposition to medical office building expansions. The office buildings are not treated by the State as part of the hospital function. The County should not handle the office buildings as part of the hospital services.

Mr. Perez said, at a minimum, we would supplement the State process. The first step would be that a hospital would have to get the initial approvals from the State (certificate of need). Much of what they are trying to do is regulated by the State.

Mr. Barry said he has three issues of interest. (1) The trash cans are back in Becca Lilly Park, but just in time to lose the bridge. I'm glad repairs are on the radar screen. (2) Please provide an update on the transit center in the Crossroads, and (3) provide an update on finding a permanent site for the day laborers.

Mr. Perez said he is working on point #1. On #2 and #3, it depends on financial assistance from Prince George's County. He recapped the history of discussions regarding the day laborer site indicating that we have a right to expect some results in this regard. He noted the special election in Prince George's County next week that will result in selection of his counterpart in this area. Montgomery County put money in the CIP to fund the study. We are not so concerned about the actual location of the site (e.g., 100 feet into PG County), but we need to get the task force moving on the subject. Mr. Perez said he hopes that in the next month we can have a first meeting of the more vibrant task force. He said he has a meeting set up with Peter Franchot to discuss what might be possible with State assistance. New Hampshire and University is a dangerous intersection. We have got to engage Prince George's County to step to the plate with money to support this.

Ms. Austin-Lane thanked Mr. Perez for service from his staff. She said she is glad to hear that there is still some progress being made with regard to trash collection in parks. We are starting to build a coalition to address pedestrian safety at the state level with Pauline Menes' bill. Ms. Austin-Lane invited Councilmember Perez to get involved.

Councilmember Perez said he is supportive of pedestrian safety initiatives. He also noted that he hears from residents about trash collection.

Mr. Seamens thanked Councilmember Perez for his dedication to residents in the city. This is head and shoulders above what we have had in recent years.

Seth Grimes, Sustainable Takoma representative, said he is here with Dan Robinson. He noted that the City's tax rate is the highest in the County. He noted the duplicated city/county services. During the last election we asked the Council candidates to conduct a management audit of services. We thought would be best to wait until new City Manager was appointed. The selection was a result of community input and a professional selection firm. Now is the time for the management audit, prior to the citizen survey. Mr. Grimes commented on his hopes for outcomes from the survey. He said that Sustainable Takoma suggests that the Council direct Ms. Matthews, possibly with assistance of a resident committee, to conduct an audit. He asked Councilmember Perez to join in the effort.

(Councilmember Perez departed at 8:10 p.m.)

Ms. Porter noted that Councilmember Perez has been willing in the past to set up meetings with residents to discuss individual issues. We have facilitated these meetings by setting up space in the building.

Dan Robinson, Sustainable Takoma, said he would be happy to talk to Mr. Perez and Ms. Matthews about this suggestion. What are your thoughts on this suggestion?

Ms. Porter said she doesn't think it is prudent to pay a lot for a consultant to conduct this type of analysis. We know what services overlap. It is, instead, a question of what citizens want. The issue should be "what services, at what level do people want, and what do they want to pay for it?"

Mr. Robinson asked what was budgeted for the survey?

Mr. Grimes said \$30,000 was budgeted. The Mercer firm was appropriated \$20,000.

Ms. Austin-Lane asked that this discussion topic be put on a Council agenda.

PUBLIC COMMENTS

Chantal ?, Maple Avenue, commented that she was recently the victim of crime in front of her

home. This is just the latest of crimes in front of her home. The criminal activity is intermittent, but on a continual basis. The systematic causes of the crimes cannot be resolved (e.g., Metro stop and adjacency to the DC line). There are major concerns in the neighborhood. We want to ensure prevention in addition to the response to these concerns. The City has met with neighbors and conducted community walk-throughs. However, we would like to see more positive actions on the part of the City to be really preventive. We want the Police Department to have the guidance, authority and resources to do what it needs to do. She said she hopes this issue will rise to the top of the Council's agenda.

Ms. Porter noted that a Council discussion of this topic is scheduled for next week.

Ms. Austin-Lane said she knows that City Councilmembers receive the crime blotter, however, this crime was particularly outrageous in that it involved a family with young children in a gun hold-up. It is time we do something preventive.

Crystal ? , Hillwood Manor Apartments, read from a letter. She remarked about vandalism, car thefts, day/night time break-ins and assaults. Criminals have even targeted the resident police officer. She asked for help to protect tenants and more, brighter street lights. She said she thinks that tenants feel they are abandoned by the City for more wealthy residents of the City. She noted incidents that have occurred on the property and said that she took it upon herself last summer to form a tenants association and noted some of the activities that took place in the beginning stages of formation. She said that the City police representative did not show up at scheduled meetings. She said she feels increasingly threatened, and hates to feel that we are getting less and less services. The Police Department responds to calls, but we do not receive follow-up. She said she wants to feel more safe.

Mr. Seamens confirmed that the resident officer of the apartment complex is a City officer and that he is ready to move.

Ms. Porter said we will follow-up on this.

Crystal said she would be interested in starting a block watch. In addition, vehicular speed is also an issue. She said she is happy to see radar being used in the area.

Mr. Barry said we should also look at the street lighting in that area.

Ms. Porter apologized for officers who have not followed up and reiterated that the City will follow-up.

Peter Banwell, Cedar Avenue, said he is concerned about pedestrian safety, particularly at the crossing near the Library. People do not understand traffic laws; unfortunately, because police do not enforce these laws. He referred to the County's increased fines and emphasis on enforcement. He encouraged the City to join the County in this effort. He said he does not think that anyone understands the law. Motorists act as if they have the right-of-way. The second

concern is crime. He said he has lived in his home at Cedar and Birch for 10 years. Crime has always been an issue. He noted the recent mugging of Chantal along with her family and commented on the meeting at the church where many expressed their fears. He said he knows this is a difficult issue that will take a long time to resolve. He would like to see a real, written plan about what will happen in the neighborhoods that border the DC line. He walks his dog almost every night and has seen police out only about five times in 10 years. Their response rate is great, but the proactive patrol is not sufficient. He said he wants more work in this area. He encouraged the Council to support the Chief when she comes in with a plan that requires resources. He wants to see a permanent change in the patrol status for the neighborhood.

Ms. Porter noted next week's discussion on this topic.

Mark Hessel (indicated that he represents a number of landlords in the city), said with respect to the discussion of rent stabilization, we need to better examine the matter of affordable housing. The City ought to examine what it is that is trying to achieve. He said he has talked with several landlords who are very frustrated with the system. He referred to ECD Director Daines' memo, drafted in July, that does not address the larger picture. We need to step back and examine the greater intent. The property tax burden in the City is shifting dramatically to the owner-occupied properties. This is partly because property values have jumped so high. However, the rental properties have not jumped in valuation because of the rates they can charge. Don't just look at the trees; look at the forest. We need to look at what is best for the City and not just continue what has existed in the past.

Nellie Moxley, referred to an article in the Takoma Voice this week written by Jack Carson, targeting the three new Councilmembers. She said she would like the Council to read the article. It is really nasty. She urged the Councilmembers to respond.

Ms. Porter clarified that it was a letter to the editor.

Ms. Moxley said there was another article regarding the ICC and the environmental impacts, including destruction to the interior forests. She announced the Public Safety Citizens Advisory Committee event on September 25th at the VFW.

Ms. Porter noted that the Council has gone on record in the past to express opposition to the ICC.

COUNCIL COMMENTS / ANNOUNCEMENTS

Mr. Williams commented that several months ago we discussed City expenditures on street rehabilitation. He asked staff to put together a comprehensive report of monies from all sources. They have compiled that information which will be provided to the Council and public. The average expenditure over the nine years was \$683,000 per year.

Ms. Austin-Lane said that she has asked that the management audit be put on the agenda. There are two other items that she would like to see scheduled. The first is to bring back the discussion of potential cuts/savings in two departments that were provided as part of the budget process. The other is the appointments to the Arts and Humanities Commission. The commission is in a state of wonder, given that the Council has not made the appointment to the existing vacancy. The matter of expanding the commission can be scheduled separately. Please place a resolution on the October 4 agenda.

Ms. Porter noted that we are still working on October agendas at this point. The appointment item is a relatively short item in contrast to the others mentioned.

Ms. Austin-Lane said she is glad to see the rat control update scheduled. She also noted that she will be talking to Delegate Menes and other officials about pedestrian safety on Friday night at 7:30 p.m.

Ms. Porter said that she is sorry that she cannot attend, but she will be at the MML Board meeting this weekend. She noted that she is very interested in the pedestrian safety issue.

Ms. Seamens commented that Council should establish performance measurement criteria for a number of major functions in the City. He said he has asked in the past for a discussion of the performance measures for the Police Department.

PRESENTATION (8:42 p.m.)

2. Community Center Update.

Mr. Williams distributed copies of an update which will be posted on City's web site tomorrow. This report has a little different format. On page 2, the tracking of expenditures compares last and current reported numbers, along with explanatory notes. Notice that with the first couple of items, the numbers will keep changing. In some instances, the numbers went down—a refinement of numbers. There are some new items appearing that were not in previous reports (e.g., Public Storage, PEPCO, Thayer). On page 3, he noted the last item under expenditures where the numbers need refinement. In terms of the City's books, the project manager for the City was not funded through the community center budget. An attempt will be made via journal entry to post back the salary figures to FY04 and continue with the salary being charged to the community center budget in FY05. On the top of page 4, there is a reconciliation provided (over \$400,000 in the negative). There are a number of things where we do not have a firm commitment to pay

at this point, but will need to pay. Below that section CO's and PCO's approved/satisfied are grouped. On page 6, the pending CO's and PCO's and PCO's not submitted are identified. On the bottom of page 7, there are two things that do not have numbers on them yet. We have a discussion and presentation on September 20 when will receive information about the results of the bid process to complete this level of the building and other outstanding items. He said he hopes this provides a little more info and will continue with this format if agreeable.

Ms. Mizeur asked about the electrical item.

Ms. Matthews said this is under discussion between the City and the architect.

Ms. Porter noted that some of the things that we are doing on the administration level involve repair/replacement of a system that has died. We would have had to do this whether we built the new building or not. Should those items be charged to community center budget?

Mr. Williams suggested that we could come up with reasonable approach to a "split."

Ms. Porter asked about other issues like the cracking of the back wall that have been folded into these figures. Another item is the replacement of the HVAC system. How will we deal with those items?

Mr. Williams said he would suggest finding a way to refine the numbers without the difficulty of determining how to split cost between funds. Another way might be to afford it through the community center budget with a footnote of the existing problems. We could assign some percentage of the cost for these items to the City's budget.

Mr. Elrich noted that it is interesting to identify what is old and new, but noted that we did not budget for those items. He said he is not worried about the cosmetics of where the items are funded. We still have to find "unfunded" dollars.

Ms. Porter said she still thinks is important to identify these items in the effort to maintain transparency.

Mr. Seamens commented that he had asked for a Council liaison at the time when Mr. Finn's management of the project was in question. Mr. Williams does a remarkable job and the very comprehensive report is appreciated. However, now with a new City Manager it would make more sense for staff to perform this function versus a politician preparing this report.

Mr. Williams noted that staff did the leg-work to come up with the information. He said that he took the time to prepare the report. He has looked at this as trying to be helpful to staff in giving staff the sense of what would be best to provide to Council in order to allow Council to have proper oversight.

Mr. Seamens said he wants to give Ms. Matthews the opportunity to put the stamp of approval

on the financial reports concerning the project.

Ms. Austin-Lane said she shares Mr. Seamens' concern about continuing this. We have had a kind of interim staff member in Councilmember Williams since we found a need for that. The weekly updates are very helpful. It would be better to have staff take on this role. It would be better for us to be able to question staff rather than a Council colleague.

Ms. Porter said she does not have a particular position. She suggested that Mr. Williams and Ms. Matthews discuss the matter and come back with a recommendation next week.

Ms. Mizeur asked where in the report do we see the comparison of revenues and the total anticipated expenditures?

Ms. Porter noted that we will get the update from Ms. Matthews in two weeks, along with suggestions about where to find needed funds.

Ms. Mizeur asked if there will also be a discussion about the sale of real estate on Piney Branch Road and how we might avoid having to borrow from the Stormwater Fund.

Mr. Barry said that, under future expenditures (page 3), he hopes that someone is keeping a sharp eye on the costs for the architect to ensure that they are customary and reasonable. While all of the numbers are helpful, he feels that the pace of the work is slow.

Ms. Matthews said she has asked the contractor to provide her with information about the number of workers on site each day to assist in monitoring that aspect.

Ms. Austin-Lane asked if we have a timeline developed for the project.

Ms. Matthews said the first deadline is in October, when liquidated delays will come into effect, and then the completion date has moved out to January. We will get more information in two weeks.

SPECIAL SESSION

3. Resolution re: Cairo Consensus.

Moved by Williams; seconded by Elrich.

Jay Keller, said that he, along with Jim Baird, wanted the Council to support this resolution. The conference supported the reproductive rights of women and education opportunities. This is an effort that has been led by a number of groups across the nation. Information is also on the web site.

Mr. Williams said that this is an opportunity to make sure that national leadership follows

through on national agreements.

Mr. Keller said that with Takoma Park's long history of local and global concerns, he thinks this is very appropriate for the Council to adopt.

Resolution #2004-43 was adopted unanimously (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

**RESOLUTION #2004-43
(Attached)**

Ms. Porter suggested that Council postpone the legislative agenda item. If Councilmembers have suggestions on items for the Montgomery County Delegation or the Bi-County Delegation, they should contact Suzanne Ludlow before Friday.

Following a scheduled break at 9:11 p.m., the Council reconvened in Worksession.

WORKSESSION

4. Rent Stabilization.

Re-order the agenda.

5. Maple Avenue Tree Replacement.

Re-order the agenda.

6. Legislative Agenda.

Postponed.

7. Purple Line. (9:29 p.m.)

Community and Government Liaison Ludlow updated Council on the status of the Purple Line, or "Bi-County Transitway." It is a transit line that is to run from Bethesda to New Carrollton through this area. It has been in the planning process for some time. Planners from the County and State are working hard to spec the possible alignment for the route, dealing with hard alignments that might be candidates for further detailed study. Montgomery County wants to be sure that their preferred alignments are included in the work and that MTA considers their recommendations fairly. The County Council will be discussing the issue on October 4. The Planning Board will have a hearing on September 30. If the City wants to weigh-in on this we would have to do so fairly quickly. City Council has passed three prior resolutions related to the route. Some of the prior elements of concern have been removed from consideration. Ms. Ludlow summarized the two routes that are being heavily considered by the County (Sligo and

Wayne Avenue routes). Either of the routes have the consideration of additional stops. There are positives and negatives that have to be weighed with various options. In the past, the Council has supported the Sligo/Piney Branch route. There is concern that the route would be difficult without taking out some homes and businesses. The number has not been calculated. The Wayne Avenue route seems to have less of an impact on the neighborhood.

Ms. Ludlow introduced Margaret Rifkin and Alex Sukeeni (M-NCPPC representatives working on this project).

Ms. Rifkin referred to a diagram of the routes. She said they are focusing on light rail transit (LRT) to bridge the gap between sections on either end of the route which have already been approved through the Master Plan (i.e., Bethesda to Silver Spring, and Flower to Takoma-Langley Crossroads). She commented on options that have been discussed for the above, below and at-grade sections of the route.

Ms. Ludlow said we have tentatively scheduled a resolution for September 27 if the Council would like to go on record with any modifications to the routes. She said she thinks that our weighing-in will be taken very seriously.

Ms. Porter said that at the time we took the earlier position, we supported the Sligo Avenue option, mainly because there were a number of other options that were totally absurd. I do not know whether Council has a strong feeling about either Sligo or Wayne. One thing the Council might do is to formulate a resolution that only addresses things that directly impact the City. I would like to take a position of support on the transit stations at Flower/Arlis and the Crossroads. We might want to say that we do not want to see some of the previous options put back on the table.

Mr. Elrich said he agrees with supporting these options. It seems that our initial concerns are expressed through the two options identified. Out of respect for other neighborhoods, we should let them take a position and express their concerns. He commented on the transit system in Europe and remarked about underground stations and opportunities to turn them into economic centers. It is possible to do this right.

Mr. Williams said he does not want to pick one over the other, but Council should indicate that we would like to see an alternative that involves the least taking of houses/businesses. Maybe, there will be other considerations that would strike a balance, but all factors being even, I would want the route with the least disturbance to the neighborhood.

Ms. Ludlow invited Council to submit additional comments to her for the resolution.

Ms. Porter noted Councilmember Perez's comment earlier this evening, indicating the County Council's support for the project.

5. Maple Avenue Tree Replacement

Mayor Porter said the intent of this discussion is to get a Council commitment to provide funding for replacement trees if the neighborhood comes to an agreement and PEPCO removes the pin oaks under the power lines. She noted the prior Council discussion.

Mr. Linkletter said we could use a portion of the tree replacement fund to pay for half of the trees and then absorb the stump grinding monies to replace the remaining trees. We would only be short \$6,000. The work that is being offered by PEPCO is in the range of \$10,000-12,000. PEPCO contracts with Asplund to remove the tree limbs from the wires which does not include the other work (e.g., stump removal and grinding). There is no time constraint for this work.

Ms. Austin-Lane asked if we know what it costs PEPCO each year to maintain this stretch? We want to be sure we are getting a good deal.

Mr. Linkletter said he does not know what it costs PEPCO. Eventually, all of the pin oaks will die off.

Ms. Porter asked for clarification on the proposal for funding.

Mr. Linkletter said that if the project were to move forward, he proposes that \$6,000 be spent out of the tree fund and that Council fund the additional \$6,000.

Mr. Lott clarified that we are seeking to fund this without having to dip into another fund that would affect operations for the rest of the year.

Mr. Linkletter noted that there are some properties without trees on the front of their properties. The project would be taking out 23 trees and planting 40 trees.

Ms. Austin-Lane asked if the zelkova would be removed.

Mr. Linkletter replied that they would probably have to remove them to keep in the spirit of what PEPCO is trying to do.

Ms. Porter asked about the white oak.

Mr. Linkletter said he thinks that the homeowner may have planted that tree. If so, he could move the tree onto the private property. If not, the tree could be moved to another public space.

Mr. Seamens confirmed that PEPCO has to have a state licensed tree trimmer. Part of the MOU was that PEPCO has to notify the City before trimming. He noted the statement in the cover page about the tree topping. Mr. Seamens asked if there is a requirement that residents of the area must also be notified?

Mr. Linkletter replied that he is not sure whether that is a requirement. Under the MOU, PEPCO provides notice to the City of planned trimming activities. In large part, Asplund does a good job. Utility companies can be awarded a designation similar to "Tree City USA". PEPCO is one of the few utilities with that designation.

Ms. Porter noted that the problem is that these are very tall straight trees that are growing up directly under the power lines.

Mr. Seamens said, clearly, at tree that large under power lines is not going to work if a community is aiming to minimize power outages over saving trees. He thinks that residents have become more aggressive about tree trimming, particularly after Hurricane Isabel.

Ms. Porter said she does not think that it is an either/or situation. People want to maintain power and save trees.

Ms. Austin-Lane clarified that tonight's discussion is not a decision to remove and replace the trees. The Council would only be committing to fund the replacement of the trees if the project proceeds. The question is funding.

Ms. Mizeur asked if staff has asked PEPCO to replace the trees and the City would remove the trees, or would we take the total cost of removal/replacement and split it evenly?

Mr. Linkletter said he thinks from their perspective it is their preference to stay within the services that they already have contracted. To add to those services, they would have to mobilize for the additional work which would probably involve some up-front costs.

Ms. Porter asked how much do we normally spend on tree replacements in the public right-of-way?

Mr. Linkletter replied that we spend around \$12,000; \$10,000 is budgeted.

Ms. Mizeur asked if the Committee on the Environment has weighed-in on this? Would they agree to taking money out of the budget, which would otherwise be used to add to the tree canopy, to replace trees that are deliberately removed?

Ms. Austin-Lane said she would like to discuss more with PEPCO the \$4,000 for stump removal.

Ms. Porter restated the proposal. We would take \$4,000 out of the operating budget. Half of the \$12,000 would be paid out of the citizen's contribution fund, leaving \$6,000 to be identified.

Ms. Austin-Lane commented that if we get PEPCO to cover the \$4,000, we would only be short \$2,000, and then we could use the \$4,000 towards replacement trees.

Mr. Seamens expressed concern about the finances of this project.

Ms. Porter said we should figure out what Council feels is a reasonable proposal. She indicated that she supports the idea.

Mr. Elrich said he agrees. Council should direct staff to negotiate the best deal possible with PEPCO.

Mr. Williams commented that last time, there was a discussion of similar situations on other trees.

Ms. Porter noted that is why we wanted to hold the tree replacement fund intact, to be prepared to deal with other streets that have problems.

Ms. Austin-Lane asked if there are other streets with this problem?

Mr. Linkletter said he would have to look into that question.

Ms. Porter asked what is the total in the tree replacement fund? Could more be taken from the fund?

Mr. Linkletter said maybe, but one intent of the fund was to use the money to restore/maintain the tree canopy. This area has a pretty good tree canopy.

Mr. Williams said if this comes back for a Council vote, we will want information on the potential impact from other areas in the city. I would not commit to a final decision until we have the additional information about the precedent we will be setting.

Ms. Austin-Lane and Mr. Barry agreed to move forward with the proposal.

Ms. Mizeur said she shares some of Mr. Williams' concerns. She noted the discussion about the Tool Library and the shortfall on the Community Center. Regardless of it being a \$2,000 or \$6,000 difference, it adds up in the context of other items.

Mr. Elrich commented that Council should make a final decision after we have a better picture of the overall finances.

Ms. Porter suggested that since there is not a timeliness issue on this, it should be brought back to the Council after staff talks to PEPCO again. Staff should also develop a proposal of where to find the rest of the money.

Ms. Mizeur noted that PEPCO has a financial incentive to help us get this done, which should help in negotiating with them.

Mr. Lott agreed to go back and talk to PEPCO. He said he will come back with information on budget impact and impact on services/activities.

4. Rent Stabilization - Overview of Requirements of Current Ordinance.

Ms. Daines commented that tonight's presentation is the first of three planned to bring forth the discussion of rent stabilization, as part of the recodification process. She noted the upcoming dates for Council discussion and public input.

Ms. Walker made a presentation on rent stabilization describing the history of the ordinance, explaining which properties are subject to the requirements, how the rent increase allowance is developed and applied, the annual reporting requirements, the rent increase petition process, and a summary of the steps taken to monitor the program and ensure compliance.

Mayor Porter noted that this is part of the re-codification process. The only section of the Housing Chapter that has not been addressed is the section on rent stabilization. Before staff brings forth proposed revisions to the ordinance, they wanted to provide an overview of the current ordinance. We have a public hearing scheduled for next week. Staff wanted everyone to start with the same knowledge base before we move further along in this discussion.

Mayor Porter asked for data on the number of units that have rents below the allowable ceiling.

Ms. Daines agreed to provide the information.

CLOSED SESSION

The Council voted in favor of convening in Closed Session on September 13, 2004 at 6:30 p.m. to consult with the City Attorney regarding legal advice related to the Community Center and related to a personnel issue. Moved by Seamens; seconded by Austin-Lane (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

ADJOURNMENT

The Council adjourned for the evening at 11:13 p.m.